



**THE ATTORNEY GENERAL
OF TEXAS**

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February 28, 1967

Hon. D. C. Klein
Chairman, State Board of Registration
for Professional Engineers
John H. Reagan Building
Austin, Texas

Opinion No. M-30

Re: Construction of
Section 12(a), Article
3271a, V.C.S.,
the Texas Engineer-
ing Practice Act.

Dear Mr. Klein:

You have requested the opinion of this office regarding the construction of Section 12(a), Article 3271a, Vernon's Civil Statutes, the Texas Engineering Practice Act. Section 12(a) is quoted as follows:

"Section 12. General Requirements for Registration. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to wit:

"(a) Graduation from an approved course in engineering of four (4) years or more in a recognized school or college approved by the Board as of satisfactory standing, and a specific record of an additional four (4) years or more of active practice in engineering work, of a character satisfactory to the Board, indicating that the applicant is competent to be placed in responsible charge of such work;"

We now quote the following portions from your letter of request:

"Under the Board's present Rule VII and Rule XVIII, the only approved course in engineering recognized as qualification for licensing under Section 12 (a) of the Act is an 'Engineering degree,' meaning a 'Baccalaureate degree, and in certain cases, an advanced degree in Engineering.' Under this Rule the Board rejects applications for licensure under Section

12 (a) of applicants with four years or more of active practice in engineering work, but whose education consists of graduation from a course of four years or more with a Baccalaureate degree in one of the mathematical or physical sciences. For example: an applicant with a Baccalaureate degree in Physics from the University of Texas with four years of active experience in engineering work of a character satisfactory to the Board; an applicant with a Baccalaureate degree in mathematics from the University of Texas with four years of active experience in engineering work of a character satisfactory to the Board. Such applicants often are recognized by their colleagues, by industry and by the government of the United States as qualified engineers and are actually performing engineering tasks of the highest order. Yet, under its Rule VII and Rule XVIII the Board has refused to license such applicants under Section 12(a) because their degree was not designated a degree in engineering.

" . . .

"In modern technology engineers and scientists often play identical roles. Many scientists function essentially as engineers; many engineers devote themselves to scholarly scientific pursuits. Also, in education, that which one accredited college or university calls a science course or degree is called an engineering course or degree in another approved college or university. A Baccalaureate degree in the physical or mathematical sciences often requires substantially the same or similar courses as a Baccalaureate degree in engineering. It is the opinion of the Board that there are many highly qualified engineers in Texas today who have more than four years of active practice in engineering work of the most advanced nature but with accredited degrees in the mathematical or physical sciences rather than an engineering degree.

"I, therefore, respectfully request your opinion as to whether or not the Board would be authorized to amend its rules and regulations to permit licensing under Section 12 (a) of applicants who have a specific record of four years or more of active practice in engineering work, of a character satisfactory to the Board, indicating that the applicant is competent to

be placed in responsible charge of such work, and who have graduated from a recognized school or college approved by the Board as of satisfactory standing with a degree or degrees in the mathematical or physical sciences after four years or more of:

- "(a) courses in the mathematical and physical sciences; or,
- "(b) courses in the mathematical sciences; or,
- "(c) courses in the physical sciences; or,
- "(d) courses in the mathematical and engineering sciences; or,
- "(e) courses in the physical and engineering sciences; or,
- "(f) courses in the physical, mathematical and engineering sciences; or,
- "(g) courses in the engineering sciences."

In 1965, the 59th Legislature amended the Engineering Practice Act by the addition of several sections, one of which was Section 1.1. This Section reads in part as follows:

"In recognition of the vital impact which the rapid advance of knowledge of the mathematical, physical and engineering sciences as applied in the practice of engineering is having upon the lives, property, economy and security of our people and the national defense, ----"

Another Section which was added in 1965 is Section 20(1), which is quoted as follows:

"Qualified scientists engaged in scientific research and investigation of the physical or natural sciences, including the usual work and activities of meteorologists, seismologists, geologists, chemists, geochemists, physicists and geophysicists."

We note that the extensive amendments in 1965 did not include any amendment to Section 12(a), and the educational requirements for registration as a professional engineer remain the same.

We recognize the fact that great strides in technology are having the effect of blurring the lines between the various technical disciplines. Nevertheless, it is not the function of this office to enlarge or in any way modify the statutory requirements as laid down by the Legislature; neither does the

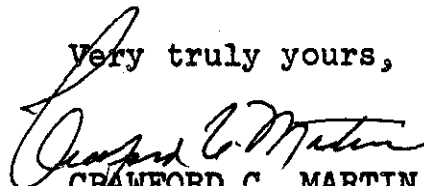
State Board of Registration for Professional Engineers have this power. Only the Legislature has the power to make the necessary factual determinations that may be occasioned by an alteration of the accustomed procedures in a licensed profession. You are accordingly advised that it is the opinion of this office that the Board may not amend its rules and regulations to permit licensing, under Section 12(a), of graduates from other than an approved course in engineering.

It is recognized that different educational institutions may have varying methods of identifying their degree programs. Nevertheless, the power of the Board is limited to an examination of a particular degree program in engineering in order to ascertain that it meets certain minimum standards of educational achievement.

S U M M A R Y

Under the terms of Section 12(a), Article 3271a, V.C.S., the Texas Engineering Practice Act, the State Board of Registration for Professional Engineers does not have the power to amend its rules to permit the licensing of persons who hold a degree other than one evidencing graduation from an approved course in engineering.

Very truly yours,



CRAWFORD C. MARTIN

Attorney General of Texas

Prepared by Malcolm L. Quick
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